

21 C.J.S. Courts § 291

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Courts

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VIII. Concurrent and Conflicting Jurisdiction

B. State and United States Courts

3. Review of Judgments

b. Restrictions on Application of *Rooker-Feldman* Doctrine

§ 291. *Rooker-Feldman* limited to state judgment prior to federal suit—Finality of state proceedings

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  [509.1](#), [509.2](#)

For purposes of the *Rooker-Feldman* doctrine, state proceedings are regarded as final or "ended" when the highest state court in which review is available has affirmed the judgment below and nothing is left to be resolved; when the state action has reached a point where neither party seeks further action; or when the state court proceedings have finally resolved all the federal questions in the litigation, but state law or purely factual questions remain to be litigated.

For purposes of the *Rooker-Feldman* doctrine, state proceedings are regarded as final or "ended" when the highest state court in which review is available has affirmed the judgment below and nothing is left to be resolved; when the state action has reached a point where neither party seeks further action; or when the state court proceedings have finally resolved all the federal questions

in the litigation, but state law or purely factual questions (whether great or small) remain to be litigated.¹ For example, the *Rooker-Feldman* doctrine does not bar jurisdiction in a federal suit while a petition for certiorari to the state supreme court is pending in the same matter since in this situation the state suit cannot be regarded as final or ended.² On the other hand, if a lower state court issues a judgment and the losing party allows the time for appeal to expire, then the state proceedings have ended.³

Concurrent proceedings.

Rooker-Feldman does not bar concurrent proceedings in both state and federal court, even if the state court renders judgment before the federal suit is resolved, so long as the federal case is not an appeal of the state case.⁴

Interlocutory rulings.

There is authority holding that because the *Rooker-Feldman* doctrine is limited to cases where the losing party in state court files suit in federal court after the state proceedings have ended, an interlocutory ruling does not evoke the doctrine or preclude federal jurisdiction.⁵ Contrary authority holds that where the lower state court does not issue a judgment but merely an interlocutory order (e.g., a discovery order determining whether certain documents are privileged), and the parties then voluntarily terminate the litigation, the state proceedings have ended for *Rooker-Feldman* purposes.⁶

CUMULATIVE SUPPLEMENT

Cases:

Rooker-Feldman is inapplicable where state appeal is pending when federal suit is filed, abrogating *Houston v. Venneta Queen*, 606 Fed.App. 725. *Miller v. Dunn*, 35 F.4th 1007 (5th Cir. 2022).

Rooker-Feldman doctrine did not bar federal district court from reviewing validity of state court order vacating its prior order permitting lender to foreclose on property in borrowers' action against lender asserting claim for trespass to try title, where vacating order was not final judgment, and was void under state law for lack of jurisdiction. *Tex. R. Civ. P. 736. Burciaga v. Deutsche Bank National Trust Company*, 871 F.3d 380 (5th Cir. 2017).

[END OF SUPPLEMENT]

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Footnotes

- 1 U.S.—*Federacion de Maestros de Puerto Rico v. Junta de Relaciones del Trabajo de Puerto Rico*, 410 F.3d 17 (1st Cir. 2005).
- 2 U.S.—*Guttman v. Khalsa*, 446 F.3d 1027 (10th Cir. 2006).
- 3 U.S.—*Federacion de Maestros de Puerto Rico v. Junta de Relaciones del Trabajo de Puerto Rico*, 410 F.3d 17 (1st Cir. 2005); *Bear v. Patton*, 451 F.3d 639 (10th Cir. 2006).
- 4 U.S.—*Robins v. Ritchie*, 631 F.3d 919 (8th Cir. 2011).
- 5 U.S.—*TruServ Corp. v. Flegles, Inc.*, 419 F.3d 584 (7th Cir. 2005).
- 6 U.S.—*Federacion de Maestros de Puerto Rico v. Junta de Relaciones del Trabajo de Puerto Rico*, 410 F.3d 17 (1st Cir. 2005).

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